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8 Attorneys for ERIC MCCARTT

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,
14 v.
15 ERIC MCCARTT,
16 Defendant.

Case No. 3:18-CR-038-HDM-WGC

**ORDER GRANTING
STIPULATION TO CONTINUE
SENTENCING HEARING
(ELEVENTH REQUEST)**

17
18 It is stipulated and agreed to by Federal Public Defender Rene L. Valladares and
19 Assistant Federal Public Defenders Sylvia Irvin and Katherine Tanaka, counsel for Eric
20 McCartt, and Trial Attorney for the U.S. Department of Justice Charles Schmitz, counsel for
21 the United States of America, that the Sentencing Hearing currently scheduled on December 8,
22 2020, be vacated and continued to January 26, 2021.

23 This Stipulation is entered into for the following reasons:

24 1. This is a joint request by counsel for the Government and counsel for Defendant
25 McCartt.
26

2. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”

3. Both counsel previously sought continuances to allow defense counsel to review former Sgt. Carry’s personnel file, which is more than 900 pages, and which under the protective order, required an in-person review at the U.S. Attorney’s office. ECF Nos. 63, 65.

4. Recent stay-at-home orders, travel restrictions, and social distancing strictures related to COVID-19 hampered defense counsels’ ability to review former Sgt. Carry’s personnel file under the conditions set forth in the protective order. After defense counsel reviewed these documents, counsel needed time to discuss with the defendant.

5. Both counsel request the instant continuance to ensure all restitution issues are considered and resolved before sentencing so that an additional hearing does not have to be scheduled. Counsel have been diligently working to resolve the restitution issues in this case.

6. The defendant is in custody and agrees with the need for the continuance.

7. The parties agree to the continuance.

This is the eleventh request for a continuance of the sentencing hearing.

DATED this 20th day of November, 2020.

RENE L. VALLADARES
Federal Public Defender

STEVEN J. GROCKI
Chief, CEOS Section,
Criminal Division

By: /s/ Sylvia Irvin

By: /s/ Charles Schmitz

SYLVIA IRVIN
Assistant Federal Public Defender
Counsel for ERIC MCCARTT

CHARLES SCHMITZ
U.S. Department of Justice
Counsel for the Government

By: /s/ Katherine Tanaka
KATHERINE TANAKA
Assistant Federal Public Defender
Counsel for ERIC MCCARTT

DATED this 23rd day of November, 2020.

UNITED STATES DISTRICT JUDGE